

**NEVADA DEPARTMENT OF
CONSERVATION & NATURAL RESOURCES**

STATE ENVIRONMENTAL COMMISSION

HEARING ARCHIVES FOR

REGULATORY PETITIONS

COMMISSION PETITION NO. 93005

LEGISLATIVE COUNSEL BUREAU (LCB) FILE NO. R-048-93

DOCUMENTS INCLUDED IN THIS FILE:

YES SECRETARY OF STATE FILING FORM

YES DISCLOSURE STATEMENT PURSUANT TO NRS 233B

REGULATORY PETITIONS

ORIGINAL DRAFTED BY COMMISSION

ADOPTED BY COMMISSION

YES AS FILED AND CODIFIED BY LCB

**Secretary of State
Filing Data**

**For Filing Administrative
Regulations**

**For Emergency
Regulations Only**

Effective Date _____

Expiration Date _____

Governor's Signature

**Environmental
Commission**

Classification [] **Proposed** [] **Adopted By Agency** [XX] **Temporary** [] **Emergency** []

Brief description of action: Petition 93005 (LCB R-048-93) is a permanent amendment to NAC 445.124 and NAC 445.134625 to 445.13471. The amendments are to update the water quality standards for the Truckee River. The standards affected are those reaches from stateline to Pyramid Lake. The changes affect pH and water temperatures.

Authority citation other than 233B: NRS 445.201

Notice date:

Temporary - March 16, March 26 and April 7, 1993

Permanent - August 24, September 8 and September 16, 1993

Hearing date:

Temporary - April 15, 1993

Permanent - September 22, 1993

Date of Adoption of Agency:

Temporary - April 15, 1993

Permanent - September 22, 1993

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED
BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066
PETITION 93005
LCB R-48-93**

The following statement is submitted for adopted permanent amendments to Nevada Administrative Code Section 445.124 and NAC 445.134625 to 445.13471.

1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Petition 93005 was noticed three times; 3-16-93, 3-26-93 and 4-7-93 in the Las Vegas Review Journal and the Reno Gazette Journal Newspapers. In addition, a copy of this public notice was sent to the Truckee River Strategy Mailing List. The Truckee River Strategy Mailing List is a comprehensive list of public agencies and interested members of the public. The standards proposal was presented at a Truckee River strategy meeting held in October, 1992. The Truckee River Water Quality Standards Rationale and proposed changes to the NAC were sent to all interested parties.

NDEP worked closely with the Nevada Department of Wildlife, U.S. Fish & Wildlife Service, U.S.E.P.A. and the Pyramid Lake Paiute Tribe in the development of the changes to the temperature standards. Meetings were held on 12-17-91, 5-21-92 and 7-17-92 to develop the proposed revisions to the temperature standards.

Written comments were received from the Truckee Meadows Water Reclamation Facility and U.S. Environmental Protection Agency (USEPA). NDEP met with the City of Reno, City of Sparks and Washoe County to discuss the proposed revisions to the water quality standards. The comments of these entities involved some of the language in the Truckee River Water Quality Standards Rationale. As a result of this meeting, NDEP clarified the language in the Total Nitrogen (TN), Nitrate and Total Dissolved Solids sections of the rationale. USEPA's greatest concern was with the proposal to delete the TN single value maximum standard from the reaches from Lockwood to Pyramid Lake. As a result of this concern, NDEP withdrew the proposal to delete the single value TN from the proposal at the SEC hearing on April 15, 1993.

A copy of the summary can be obtained from the State Environmental Commission or the Bureau of Water Quality Planning. The petition was public noticed on 8/24/93, 9/8/93 and 9/16/93 as a proposed permanent regulation.

- 2. A description of how comment was solicited from affected businesses, a summary of their response, and a explanation how other interested persons may obtain a copy of the summary.**

See number 1 above.

- 3. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

The regulation was not adopted without changing any part of the proposed regulation. As a result of USEPA's concern, NDEP withdrew the proposal to delete the single value TN from the proposal at the SEC hearing on April 15, 1993.

The temporary regulation was adopted on April 15, 1993.

The permanent regulation was adopted at the SEC meeting on September 22, 1993.

- 4. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:**

- (a) Both adverse and beneficial effects: and**
- (b) Both immediate and long-term effects.**

The regulation in of itself does not have any economic effect on business or the public. Implementation of the regulations, or in other words, attainment of the water quality standards, could potentially have some adverse economic impact to both business and the public in the long-term. The long-term economic impact cannot be quantified at this time.

- 5. The estimated cost to the agency for enforcement of the proposed regulation.**

The regulation in of itself will not result in any additional cost to the agency. The administration of programs necessary to achieve the water quality standards could result in some cost to the agency in the long-term, but the amount can not be quantified at this time.

- 6. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary.**

There are no state or government agency regulations which overlap with this regulation.

**CODIFIED PERMANENT REGULATION OF THE
NEVADA STATE ENVIRONMENTAL COMMISSION**

LCB File No. R-048-93

EXPLANATION--Matter in *italics* is new; matter in brackets [] is material to be omitted.

AUTHORITY: NRS 445.201 and 445.244

Section 1. NAC 445.134625 is hereby amended to read as follows:

The water quality standards for the Truckee River from Pyramid Lake to the state line are prescribed in NAC 445.13463 to 445.13471, inclusive. The beneficial uses for this area are:

- 1. Irrigation;**
- 2. Watering of livestock;**
- 3. Recreation involving contact with the water;**
- 4. Recreation not involving contact with water;**
- 5. Industrial supply;**
- 6. Municipal or domestic supply, or both;**
- 7. Propagation of wildlife; and**
- 8. Propagation of aquatic life. The [species] *aquatic life* of major concern are:**
 - (a) At the state line, *all life stages of* mountain whitefish, rainbow trout and brown trout.**
 - (b) From the state line to Idlewild, *all life stages of* mountain whitefish, rainbow trout and brown trout.**
 - (c) From Idlewild to East McCarran, *all life stages of mountain whitefish,* rainbow trout and brown trout.**
 - (d) From East McCarran to Lockwood, *juvenile and adult rainbow trout and juvenile and adult* brown trout.**
 - (e) From Lockwood to Derby, *juvenile and adult rainbow trout and juvenile and adult* brown trout. However, the species which are sensitive to temperature are expected to seek a cooler [habitat] *microhabitat* during July and August. [and may migrate out of the reach.]**
 - (f) From Derby to Wadsworth, early spawning Lahontan cutthroat trout and their *incubation, larvae, juveniles and* migration, [during the late spring or early summer], *from May through June*, depending on hydrological conditions.**
 - (g) From Wadsworth to Pyramid Lake, early spawning Lahontan cutthroat trout *and cui-ui*, and their *incubation, larvae, juveniles and* migration [during the late spring or early summer] *from May through June*, depending on hydrological conditions. [, and cui-ui and their spawning and incubation from May through June 15, and their migration through July.]**

END OF PETITION 93005 (LCB R-048-93)